

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff

V.

\$103,342.22 IN U.S. CURRENCY AND
\$4,468.18 IN U.S. CURRENCY,
Defendants

RASHEED QUARAISHI,
Claimant

CIVIL ACTION
NO. 05-10515-REK

Memorandum and Order
July 13, 2005

I. Pending Matters

Pending for decision are matters related to the following filings:

(1) Mohammed Abdul Rasheed Quaraishi's Motion to Dismiss or, Alternatively, Stay the Forfeiture Action (Docket No. 4, filed May 13, 2005);

(2) Memorandum of Law in Support of Mohammed Abdul Rasheed Quaraishi's Motion to Dismiss or, Alternatively, Stay the Forfeiture Action (Docket No. 5, filed May 13, 2005); and

(3) United States' Response to Claimant's Motion to Dismiss or, Alternatively, to Stay This Civil Forfeiture Action (Docket No. 6, filed May 27, 2005)

II. Factual and Procedural Background

On March 18, 2005, the government filed a verified complaint asking that a warrant and monition issue to the United States Bureau of Customs and Border Protection compelling them to seize certain monies contained in bank accounts that the government claims are related to money laundering in violation of 18 U.S.C. § 1956. (Docket No. 1) On March 24, 2005, I issued the requested warrant and monition. (Docket No. 2) On May 13, 2005, Abdul Rasheed Quaraishi (“Rasheed”) filed a claim seeking dismissal of the government’s forfeiture claim and “any other relief that this Court may seem[sic] just and proper.” (Docket No. 3) On the same day, Rasheed filed a motion to dismiss the case or alternatively to stay the case while another judge in the district heard related proceedings in a criminal case. (Docket No. 4) The government opposes the motion to dismiss but has no objection to a stay of the civil forfeiture proceedings. (Docket No. 5)

III. Analysis

Rasheed indicates in his motion that there are proceedings in a criminal case that touch on issues related to this civil action, specifically proceedings related to a “Motion to Vacate Seizure Warrant or, Alternatively, for Evidentiary Hearing.” That motion is pending in Criminal No. 04-10345-NMG. I have reviewed the docket in that case and it indicates that the matter is currently under advisement. I find that, as a general proposition, simultaneous litigation of related issues is problematic. I also find that the disposition of the motion pending in the related criminal action could have an effect on the disposition of this civil action. In light of these considerations and the fact that the government has no objection to entering a stay, I will grant Rasheed’s motion

insofar as I will stay this civil forfeiture action pending the outcome of proceedings relating to Rasheed's pending "Motion to Vacate Seizure Warrant or, Alternatively, for Evidentiary Hearing" in the related criminal action. I will not rule on whether I should grant or deny the motion to dismiss at this time.

ORDER

For the foregoing reasons, it is ORDERED:

(1) Mohammed Abdul Rasheed Quaraishi's Motion to Dismiss or, Alternatively, Stay the Forfeiture Action (Docket No. 4) is ALLOWED IN PART as explained in the above Memorandum.

(2) This civil action is stayed as explained in the above Memorandum.

_____/s/Robert E. Keeton_____
Robert E. Keeton
Senior United States District Judge